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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/489,596

**Applicant(s)**

COLLART ET AL.

**Examiner**

SAHAR A. BAIG

**Art Unit**

2424

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-29, 31-34 and 36-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-29, 31-34 and 36-47 is/are rejected.
- 7) ☒ Claim(s) 48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-884)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 12/04/2008.

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 21-29, 31-34 and 36-48 have been considered but are moot in view of the new ground(s) of rejection. The finality of the previous rejection is withdrawn.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 48 is depending from a cancelled claim and fails to clearly point out what is being claimed. Appropriate action is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21, 22, 23, 26, 27, 28, 37, and 38 rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley (US Patent No. 5,907,322) in view of Dodson et al. (US Patent No. 6,184,877).

Regarding Claim 21 and 37, Kelley discloses a method of retrieving information [Figure 1 item 100] comprising the steps of:

receiving content comprising a video image over a first communication channel [Col. 3 line 54; broadcast displayed on TV 34]; receiving a keyword [Col. 3 lines 7-28]; and a first code associated with the video image over a second communication channel [Col. 3 lines 10-16], wherein the first code is preassociated with preselected information [Col. 3 lines 23-25]; bookmarking the keyword [Col. 3 lines 40-44]; requesting a searching of a network for information relating to the keyword [Col. 4 lines 44-54]; and receiving the information including the preselected information relating to the keyword Col. 4 lines 44-54] .

However, Kelley fails to disclose the use of a keyword. In an analogous art, Dodson shows "receiving a keyword associated with the video image over a second channel" by automatic search terms to be searched may be obtained through a program guide database directly accessible at the cable company's location by using such devices as an internet interface or telephone line (Dodson Col. 3 lines 7-28). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kelley first code with the Dodson et al. first code preassociated with preselected information for the purpose of allowing a user to quickly retrieve information associated by the content provider to acquire directly relevant information.

Regarding Claim 22, Dodson discloses a method further comprising the steps of: displaying the video image Fig.3 item 100; and displaying the keyword while displaying the video image Fig.3 item 200.

Regarding Claim 23, Dodson discloses a method further comprising the steps of: of displaying the information relating to the keyword Figure 4 item 400, wherein the displaying the information comprises displaying the information in synchronization with the content comprising the video image Figure 4 item 100.

As to claim 26, the claimed "further comprising receiving a second code that is a category code included with the keyword" is met by the receipt of program guide information used to generate automatic search terms (Dodson 3:8-25) wherein the automatic search terms may include categories (category code) (Dodson 4:56-59). The claimed "wherein the category code assists in the searching of the network for information relating to the keyword" is met by using category information to assist in the search in order "to limit the number of hits to a reasonable number. The categories can also be generated as an automatic search term, assuming the program guide provider has identified the programs into categories" (Dodson 4:52-59).

As to claim 27, note the Dodson et al. reference discloses receiving video programming over a broadcast channel and epg information via an Internet

interface. However, the Dodson et al. reference is silent as to the specific transmission media used for Internet communications. Nevertheless, the examiner submits that it is notoriously well known in the art to transmit epg information on a broadcast medium for the purpose of making electronic program guide information readily accessible to a user without requiring the use of a separate communication medium. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dodson et al. epg access accordingly for the above stated

As to claim 28, the claimed "further comprising the step of displaying the video image" is met by the display of programming on a TV display (column 2, lines 47-64).

Regarding Claim 38, Kelley discloses wherein the keyword further includes a second code comprising a classification code [Col. 4 lines 20-32].

5. Claim 24 and 29 rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley US Patent No. 5,907,322) in view of Dodson et al. (US Patent No. 6,184,877) in further view of Kim (US Patent No. 5,838,386)

Regarding Claim 24 and 29, the combined method of Kelley and Dodson fail to teach the limitation wherein the detecting the selection comprises: detecting a

displayed pointer, where a location of the pointer on the display is controlled by a user; and identifying a location on the display where the pointer is positioned. In an analogous art, Kim discloses method of displaying a pointer on a television screen wherein the position of the pointer is moved to a desired menu by a remote controller, and then the desired menu is selected by a selection signal of the remote controller, thereby operating the television receiver in a desirable way [Kim Col. 3 lines 32-35]. It would have been obvious to one of ordinary skill in the art to combine the teachings of Kelley Dodson and Kim to devise a method of pointing and selecting a desired part of the displayed video image.

6. Claim 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley US Patent No. 5,907,322) in view of Dodson et al. (US Patent No. 6,184,877) in further view of Farber et al. (US Patent No. 5,819,284).

As to claim 25, the claimed wherein the received information relating to the keyword is based up a user profile. The combined method of Kelley and Dodson discloses search results are conveyed to a user wherein the query may be limited to a program category, such as sports or movies, to limit the number of hits to a reasonable number (Dodson Column 4, lines 52-65). However, the combination does not disclose the use of a user profile. The Farber et al. reference discloses user profile database 174 contains information for each user of the system, specifying (a) the categories or types of information services that

are to be provided to that user, and (b) for those information services, the parameters that are associated with the desired information. For example, a first user may desire traffic, financial and sports information, a second user may desire weather and news information, and a third user may desire traffic, news and weather. For each of these three users, the detailed information desired may be different. Thus, the first user may desire traffic information for certain roadways, financial information for certain securities, and sports information for particular teams (Farber et al. 4:43-55). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kelley and Dodson keyword search with the Farber et al. profile database for the purpose of providing targeted information to the user that are directed towards his/her preferences.

7. Claim 31-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley (US Patent No. 5,907,322) in view of Dodson et al. (US Patent No. 6,184,877) in view of Feinleib (US 2004/0040042), in view of Shoff et al. (US Patent No. 6,240,555) in further view of Portuesi (US Patent No. 6,499,057).

Regarding Claim 31-34 Kelley discloses a method of retrieving information [Figure 1 item 100] comprising the steps of: receiving content comprising a video image over a first communication channel [Col. 3 line 54; broadcast displayed on TV 34]; receiving a keyword [Col. 3 lines 7-28]; and a first code associated with the video image over a second communication channel [Col. 3 lines 10-16],



wherein the first code is preassociated with preselected information [Col. 3 lines 23-25]; bookmarking the keyword [Col. 3 lines 40-44]; requesting a searching of a network for information relating to the keyword [Col. 4 lines 44-54]; and receiving the information including the preselected information relating to the keyword Col. 4 lines 44-54] .

However, Kelley fails to disclose the use of a keyword. In an analogous art, Dodson shows "receiving a keyword associated with the video image over a second channel" by automatic search terms to be searched may be obtained through a program guide database directly accessible at the cable company's location by using such devices as an internet interface or telephone line (Dodson Col. 3 lines 7-28). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kelley first code with the Dodson et al. first code preassociated with preselected information for the purpose of allowing a user to quickly retrieve information associated by the content provider to acquire directly relevant information.

However, the combined teachings of Kelley and Dodson do not specifically disclose wherein the video image is displayed from a local storage medium. Now note the Feinleib reference that recognizes the advantage of providing supplemental information associated with keywords from recorded programming (Feinleib [0079]) wherein the associated keyword information is stored locally (Feinleib [0012, 0083], also see Key Phrase Data File 62 as illustrated in Figure

2). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kelley and Dodson keyword search during a live broadcast with the Feinleib keyword search during playback of a recorded program for the purpose of providing the benefits of obtaining additional information through keywords when the user has elected to record programming and view the programming at a later time. The Dodson et al. reference also teaches "receiving keywords [...] associated with the video image over a second channel" wherein automatic search terms to be searched may be obtained through a program guide database directly accessible at the cable company's location by using such devices as an internet interface or telephone line (Dodson 3:7-28) and search term (keyword) includes title information as illustrated in Figure 3 (Dodson). The Feinleib reference teaches as an alternative, the enhancing content might reside on a storage medium at the viewer's home, such as on a computer disk or a CD-ROM, which can be accessed during the playing of the primary. However, the Kelley, Dodson et al. and Feinleib combination does not specifically teach "keywords comprising a unique identifier of the storage medium. Now note the Shoff et al. reference that discloses "[t]he supplemental content provided by the ISP 80 is correlated with the programs by data structure 48...the data field 58 includes target specifications to supplemental content provided by servers other than the program provider which distributes the show...In another implementation, the interactive content can be supplied locally by a storage medium...The

supplemental content is accessed via disk reads to the local storage drive, rather than using URLs to target resources over a network" (Shoff 7:36-8:3) wherein "a unique identifier of the storage medium" is inherent to the successful disk reads of content from the local storage device. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kelley, Dodson et al. and Feinleib combination teaching Kelley, Dodson et al. and Feinleib combination wherein the keyword identifies the title of the program stored in local storage with the Shoff et al. unique local storage identifier for the purpose indicating the location of the supplemental content to the set top box to facilitate accurate retrieval. However, the Dodson et al. reference does not disclose selecting a portion of a video image and displaying a keyword associated with the portion of the video image in response to the selecting of the portion of the video image. The Portuesi reference discloses display window 28 can include a caption 34 which provides a description of the area within display window 28 over which a pointing device, such as a mouse pointer, is positioned. For example, if the pointing device is positioned over hypertext link 22, caption 34 can provide a name for link 32 or provide the actual URL (Portuesi 6:22-27). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dodson et al. keyword display with the Portuesi display window and caption for the purpose of providing a method of making keywords more readily available to the viewer in addition to a more

intuitive method of identifying keywords associated with a desired object. The claimed "embedding the keyword in the video image" is met by the Dodson et al. and Portuesi combination wherein the embedding of the keyword in the video image is inherent to the successful display of keywords by selection of a portion of the video image.

8. Claim 36 rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley (US Patent No. 5,907,322) in view of Dodson et al. (US Patent No. 6,184,877) in view of Feinleib (US 2004/0040042), in view of Shoff et al. (US Patent No. 6,240,555) in further view of Portuesi (US Patent No. 6,499,057) in view of in further view of Farber et al. (US Patent No. 5,819,284).

As to claim 36, the claimed wherein the received information relating to the keyword is based up a user profile. The combined method of Kelley, Dodson, Feinleib, Shoff and Portuesi discloses search results are conveyed to a user wherein the query may be limited to a program category, such as sports or movies, to limit the number of hits to a reasonable number (Dodson Column 4, lines 52-65). However, the combination does not disclose the use of a user profile. The Farber et al. reference discloses user profile database 174 contains information for each user of the system, specifying (a) the categories or types of information services that are to be provided to that user, and (b) for those information services, the parameters that are associated with the desired

information. For example, a first user may desire traffic, financial and sports information, a second user may desire weather and news information, and a third user may desire traffic, news and weather. For each of these three users, the detailed information desired may be different. Thus, the first user may desire traffic information for certain roadways, financial information for certain securities, and sports information for particular teams (Farber et al. 4:43-55). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kelley and Dodson keyword search with the Farber et al. profile database for the purpose of providing targeted information to the user that are directed towards his/her preferences.

9. Claim 39-41, 43, and 44 rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley (US Patent No. 5,907,322) in view of Dodson et al. (US Patent No. 6,184,877) in further view of Portuesi (US Patent No. 6,499,057).

As to claim 39, the claimed further comprising the step of displaying the keyword associated with the portion of the video image in response to the selecting of the portion of the video image. The Dodson et al. (US 6,184,877 B1) reference discloses a method for interactively accessing program information on a television, the method comprising receiving a search request regarding a television program; displaying at least one search term overlaid on a program being received by the television; searching the Internet for requested information; obtaining a result of the search; and saving the result in a memory coupled with

the television (column 1, lines 63-67; column 2; lines 1-3). The Dodson et al. reference provides an overlay for a user to select automatic search terms that may be derived in various ways as well as add additional search terms (column 3, lines 8-40). However, the Dodson et al. reference does not disclose displaying the keyword embedded in the video image in response to a selection of the video image. The Portuesi reference discloses display window 28 can include a caption 34 which provides a description of the area within display window 28 over which a pointing device, such as a mouse pointer, is positioned. For example, if the pointing device is positioned over hypertext link 22, caption 34 can provide a name for link 32 or provide the actual URL (Portuesi 6:22-27). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dodson et al. method of viewing keywords with the Portuesi display of keywords when a portion of an image is selected for the purpose of making keywords readily available to the user in addition to providing a more intuitive method of indicating the keyword for an associated item of interest.

As to claim 40, the claimed "wherein the keyword is embedded in the video image" is met by the Dodson et al. and Portuesi combination wherein the embedding of the keyword in the video image is inherent to the successful display of keywords by selection of a portion of the video image, see rejection of claim 37.

As to claim 41, the claimed "further comprising the step of receiving over the network information relating to the keyword" is met by the obtaining of internet query search results for display to a user (column 4, lines 52-65).

As to claim 43, the claimed "wherein the keyword is embedded in the video image" is met by the Dodson et al. and Portuesi combination wherein the embedding of the keyword in the video image is inherent to the successful display of keywords by selection of a portion of the video image, see rejection of claim 37.

As to claim 44, the claimed "initiating a search, over a network, of remote sources for information relating to the keyword, wherein the receiving the information relating to the keyword comprises receiving the information relating to the keyword in response to the initiated search" is met by the Dodson et al. internet search query (column 4, lines 52-59).

10. Claim 42 rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley (US Patent No. 5,907,322) in view of Dodson et al. (US Patent No. 6,184,877) in further view of Portuesi (US Patent No. 6,499,057) in view of in further view of Farber et al. (US Patent No. 5,819,284).

As to claim 42, the claimed wherein the received information relating to the keyword is based up a user profile. The combined method of Kelley and Dodson discloses search results are conveyed to a user wherein the query may be limited to a program category, such as sports or movies, to limit the number of hits to a reasonable number (Dodson Column 4, lines 52-65). However, the combination does not disclose the use of a user profile. The Farber et al. reference discloses user profile database 174 contains information for each user of the system, specifying (a) the categories or types of information services that are to be provided to that user, and (b) for those information services, the parameters that are associated with the desired information. For example, a first user may desire traffic, financial and sports information, a second user may desire weather and news information, and a third user may desire traffic, news and weather. For each of these three users, the detailed information desired may be different. Thus, the first user may desire traffic information for certain roadways, financial information for certain securities, and sports information for particular teams (Farber et al. 4:43-55). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kelley, Portuesi and Dodson keyword search with the Farber et al. profile database for the purpose of providing targeted information to the user that are directed towards his/her preferences.



11. Claims 45-47 rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley (US Patent No. 5,907,322) in view of Dodson et al. (US Patent No. 6,184,877) in further view of Herrington et al. (US Patent No. 6,865,746).

Regarding Claim 45, Kelley discloses a method of retrieving information [Figure 1 item 100] comprising the steps of:

receiving content comprising a video image over a first communication channel [Col. 3 line 54; broadcast displayed on TV 34]; receiving a keyword [Col. 3 lines 7-28]; and a first code associated with the video image over a second communication channel [Col. 3 lines 10-16], wherein the first code is preassociated with preselected information [Col. 3 lines 23-25]; bookmarking the keyword [Col. 3 lines 40-44]; requesting a searching of a network for information relating to the keyword [Col. 4 lines 44-54]; and receiving the information including the preselected information relating to the keyword Col. 4 lines 44-54] .

However, Kelley fails to disclose the use of a keyword. In an analogous art, Dodson shows "receiving a keyword associated with the video image over a second channel" by automatic search terms to be searched may be obtained through a program guide database directly accessible at the cable company's location by using such devices as an internet interface or telephone line (Dodson Col. 3 lines 7-28). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify the Kelley first code with the Dodson et al. first code preassociated with preselected information for the purpose of allowing a user to quickly retrieve information associated by the content provider to acquire directly relevant information.

However the combined teachings of Kelley and Dodson fail to disclose "logging the search; and initiating a subsequent search based on the logged search."

Now note the Herrington et al. reference that discloses "the system may provide the user with an opportunity to save search parameters for use at a later time" (Herrington 1:67-2:2) wherein the saved search parameters may be used to initiate a subsequent search (Herrington 2:2-13). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dodson keyword search linked to the Internet with the Herrington et al. saving of search parameters (bookmarking) for the purpose for allowing interested users to access additional information at a more convenient time if they prefer not to interrupt currently displayed content and to provide updated search results that reflect the information available at a later time when the search is repeated.

As to claim 46, please see rejection of claim 45.

As to claim 47, the claimed "second code comprises a classification" is met by that discussed in the rejection of claim 45 wherein the second code comprises a

category. Also note the Dodson et al. reference discloses a first code in the form of search terms derived from the program guide as discussed in the rejection of claim 45. The examiner gives Official Notice that it is notoriously well known in the art to use numerical tags for information retrieval purposes, such as UPC's and ip addresses, for the purpose of providing a unique numbering system that can readily be associated with its corresponding product, service, or information segment. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dodson and Herrington product identifier accordingly for the above stated advantages.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. It includes Jeannin et al. US Patent Publication No. 2002/0083469.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAHAR A. BAIG whose telephone number is (571)270-3005. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art  
Unit 2424

SB